UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JENS ERIK SORENSEN as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST,

Plaintiff,

vs.

ENERGIZER HOLDINGS INC., EVEREADY BATTERY COMPANY, INC. and DOES 1-100,

Defendant.

CASE NO. 07CV2321 BTM (CAB)

ORDER GRANTING DEFENDANT'S MOTION TO STAY PENDING REEXAMINATION PROCEEDINGS

For the reasons stated in the Court's order granting stay in Sorensen v. Black and Decker, 06cv1572, Docket No. 243 and on the record at the February 25, 2008 status conference in Sorensen v. Helen of Troy, 06cv2278, the Court GRANTS without prejudice Defendant's motion for stay. The Court concludes that a reasonable stay is appropriate in this case because the litigation is in its early stages, Plaintiff has not established undue prejudice, and the reexamination will simplify issues for the Court and save expense for the parties. See, e.g., Xerox Corp. v. 3Com Corp., 69 F. Supp. 2d 404, 406 (W.D.N.Y. 1999). However, if it appears that the reexamination will not be effected within a reasonable time, Plaintiff may move to vacate the stay. Additionally, any party may apply to the Court for an exception to the stay if it has specific, valid reasons to believe that it needs to obtain discovery in order to preserve evidence that will otherwise be unavailable after the stay.

Defendant is ordered to file a notice informing the Court of the PTO's decision on the pending application for reexamination within 10 days of receipt of such decision.

IT IS SO ORDERED.

DATED: March 19, 2008

Barry Ted Moskowitz

Honorable Barry Ted Moskowitz
United States District Judge